

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

DANIEL EDWARD CALLAHAN,

Plaintiff,

Civil Case No. 1:16-cv-0208

v

Gordon J. Quist, U.S. District Judge

MUSKEGON COUNTY,

Defendant.

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Plaintiff in pro per  
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**DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES**

NOW COMES Defendant Muskegon County, by and through its attorney Douglas M. Hughes, and states as follows for its Answer to Defendant's Complaint:

1. Defendant Muskegon County denies as untrue the allegations in Paragraph 1 of Plaintiff's Complaint alleging obstruction of justice, and further objects that Plaintiff has failed to provide sufficient factual information so as to allow Defendant to answer.

2. Defendant Muskegon County denies as untrue the allegations in Paragraph 2 of Plaintiff's Complaint alleging a violation of the federal Freedom of Information Act. By way of



further response, Defendant notes that Plaintiff phrased his allegation and request under the federal Freedom of Information Act, 5 USC 552, which applies to records in the control of the federal government, and not to records in the possession of Muskegon County.

3. Defendant Muskegon County denies as untrue the allegations in Paragraph 3 of Plaintiff's Complaint, alleging violations of the United States Constitution, and further objects that Plaintiff has failed to provide sufficient factual information so as to allow Defendant to answer. By way of further answer, Defendant Muskegon County asserts that it is not the appropriate party to any claims made by Plaintiff with regard to medication issues at the Muskegon County Jail.

4. Defendant Muskegon County denies as untrue the allegations in Paragraph 4 of Plaintiff's Complaint, alleging malicious prosecution, and further objects that Plaintiff has failed to provide sufficient factual information so as to allow Defendant to answer.

WHEREFORE, Defendant Muskegon County respectfully requests that this Honorable Court dismiss Plaintiff's Complaint in its entirety, and assess costs and reasonable attorney fees against the Plaintiff for filing a frivolous Complaint.

#### **AFFIRMATIVE DEFENSES**

1. The Plaintiff has failed to state a claim upon which relief can be granted.
2. The Plaintiff has failed to state a claim in avoidance of governmental immunity.
3. All or part of the Plaintiff's claims are barred by the applicable statute of limitations.
4. The Plaintiff has failed to mitigate his damages.
5. Defendant Muskegon County is not the proper party to this Complaint.



6. The Plaintiff has failed to allege or provide an appropriate basis to invoke this Court's jurisdiction.

7. This Court lacks subject matter jurisdiction.

8. The Plaintiff improperly indicated on the Court's Civil Cover Sheet that the U.S. Government was the plaintiff in this matter.

9. The Plaintiff has failed to join a necessary or an indispensable party.

10. The Plaintiff lacks standing.

11. The Plaintiff's claims are barred by the doctrine of laches.

12. Defendant Muskegon County reserves the right to add further and additional affirmative defenses as they may become known through the course of discovery.

WILLIAMS HUGHES, PLLC

Dated: March 16, 2016

By: /s/ Douglas M. Hughes  
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